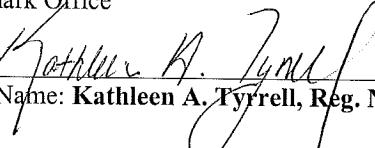


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **PENN0870US.NP**  
Inventors: **Sweeney et al.**  
Serial No.: **10/566,796**  
Filing Date: **Not yet assigned**  
Examiner: **Not yet assigned**  
Customer No.: **26259**  
Group Art Unit: **Not yet assigned**  
Confirmation No.: **8993**  
Title: **Bowman-Birk Inhibitor Compositions for Treatment of Muscular Atrophy and Degenerative Muscle Disease**

Electronically Submitted via EFS-Web  
Date: April 2, 2008

I hereby certify that this paper is being electronically submitted on the date indicated above to the Commissioner for Patents, U.S. Patent & Trademark Office

By   
Typed Name: **Kathleen A. Tyrrell, Reg. No. 38,350**

**BOX MISSING PARTS**

Commissioner for Patents  
U.S. Patent and Trademark Office

Sir:

**RESPONSE TO DECISION**

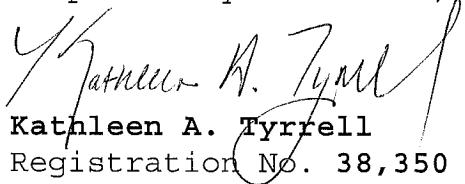
In response to the "DECISION" dated **March 31, 2008**, a response to which is due **April 30, 2008**, enclosed herewith are three separately executed Declaration and Power of Attorney Forms by the inventors which comply with 37 C.F.R. 1.63.

(XX) Copy of Decision.

( ) Other:

(XX) Please charge any deficiency or credit any overpayment to Deposit Account No. 50-1619.

Respectfully submitted,

  
Kathleen A. Tyrrell  
Registration No. 38,350

Date: April 2, 2008

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515

31 MAR 2008

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United States Patent and Trademark Office



LICATA & TYRRELL P.C.  
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MARLTON NJ 08053

Docket System ✓  
Status Report ✓  
Docket Book ✓

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Sweeney et al.  
Application No.: 10/566,796  
PCT No.: PCT/US04/24718  
Int. Filing Date: 30 July 2004  
Priority Date: 01 August 2003  
Attorney Docket No.: PENN0870US.NP  
For: Bowman-Birk Inhibitor Compositions For Treatment :  
Of Muscular Atrophy And Degenerative Muscle Disease

## DECISION

This is in response to the "Response to Decision" mailed on 09 October 2007.

### DISCUSSION

In a Decision mailed on 28 September 2007, the declaration of inventorship filed on 09 November 2006 was not accepted, without prejudice, because "it appears to have been assembled by adding a second page 3 of 4 to the document... The declaration is also defective in view of the un-initialed alterations to the page signed by Mr. Morris."

In response, applicants have filed a new declaration document. However, this declaration is defective because it includes an un-initialed alteration to the ZIP code portion of Ann R. Kennedy's residential address.

The Decision mailed on 28 September 2007 set a period for response as follows:

If reconsideration on the merits of this matter is desired, a proper response must be filed within **ONE (1) MONTH** from the mail date of this decision. Extensions of time may NOT be obtained under 37 CFR 1.136(a). Failure to timely file a proper response (specifically, an acceptable oath or declaration) will result in **ABANDONMENT**.

This period for response is analogous to that which would have been set in a Notification of Defective Response (Form PCT/DO/EO/916). Since applicant did not file an acceptable oath or declaration in compliance with 37 CFR 1.497(a) and (b) within the period for response, this international application stands **ABANDONED** with respect to the national stage in the United States.

### DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

This international application stands **ABANDONED** with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283  
Fax: (571) 273-0459

Docket No.  
PENN0870US.NP

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**Bowman-Birk Inhibitor Compositions for Treatment of Muscular Atrophy and Degenerative Muscle Disease**

the specification of which

(check one)

is attached hereto.

was filed on July 30, 2004 as United States Application No. or PCT International Application Number PCT/US2004/024718

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

#### Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/491,695	August 1, 2003
(Application Serial No.)	(Filing Date)

(Application Serial No.)	(Filing Date)
--------------------------	---------------

(Application Serial No.)	(Filing Date)
--------------------------	---------------

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
--------------------------	---------------	--

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

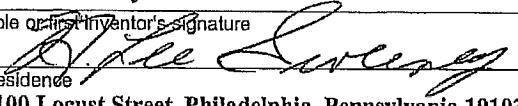
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

**CUSTOMER NUMBER:** 26259

Send Correspondence to:

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

Direct Telephone Calls to: (*name and telephone number*)  
Kathleen A. Tyrrell - (856) 810-1515

Full name of sole or first inventor <b>H. Lee Sweeney</b>	Date
Sole or first Inventor's signature 	<b>10/3/07</b>
Residence <b>2100 Locust Street, Philadelphia, Pennsylvania 19103</b>	
Citizenship <b>US</b>	
Post Office Address <b>Same as above</b>	

Full name of second inventor, if any <b>Carl A. Morris</b>	Date
Second Inventor's signature	
Residence <b>25 Elm Avenue, Quincy, Massachusetts 02170</b>	
Citizenship <b>Australian</b>	
Post Office Address <b>Same as above</b>	

Full name of third Inventor, If any <b>Ann R. Kennedy</b>	Date
Third Inventor's signature	
Residence <b>1010 Indian Creek Lane, Wynnewood, Pennsylvania 19151</b>	
Citizenship <b>US</b>	
Post Office Address <b>Same as above</b>	

Full name of fourth Inventor, If any	Date
Fourth Inventor's signature	
Residence	
Citizenship	
Post Office Address	

Full name of fifth Inventor, If any	Date
Fifth Inventor's signature	
Residence	
Citizenship	
Post Office Address	

Full name of sixth Inventor, If any	Date
Sixth Inventor's signature	
Residence	
Citizenship	
Post Office Address	

Docket No.  
PENN0870US.NP**Declaration and Power of Attorney For Patent Application****English Language Declaration**

As a below named inventor, I hereby declare that:

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Prior Foreign Application(s)Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
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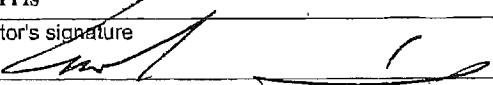
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Kathleen A. Tyrrell - (856) 810-1515

Full name of sole or first inventor <b>H. Lee Sweeney</b>	Date
Sole or first inventor's signature	
Residence <b>2100 Locust Street, Philadelphia, Pennsylvania 19103</b>	
Citizenship <b>US</b>	
Post Office Address <b>Same as above</b>	

Full name of second inventor, if any <b>Carl A. Morris</b>	Date
Second inventor's signature 	
Residence <b>25 Elm Avenue, Quincy, Massachusetts 02170</b>	
Citizenship <b>Australian</b>	
Post Office Address <b>Same as above</b>	

Full name of third inventor, if any <b>Ann R. Kennedy</b>	Date
Third inventor's signature	
Residence <b>1010 Indian Creek Lane, Wynnewood, Pennsylvania 19151</b>	
Citizenship <b>US</b>	
Post Office Address <b>Same as above</b>	

Full name of fourth inventor, if any	Date
Fourth inventor's signature	
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	Date
Fifth inventor's signature	
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	Date
Sixth inventor's signature	
Residence	
Citizenship	
Post Office Address	

Express Mail Label No.

Page 1 of 4

Docket No.

PENN0870US.NP

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Page 2 of 4

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60/491,695 August 1, 2003  
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(Application Serial No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_

(Application Serial No.) (Filing Date)

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Page 3 of 4

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Marlton, New Jersey 08053

Direct Telephone Calls to: (*name and telephone number*)

Kathleen A. Tyrrell - (856) 810-1515

Full name of sole or first inventor <b>II. Lee Sweeney</b>	Date
Sole or first inventor's signature	
Residence <b>2100 Locust Street, Philadelphia, Pennsylvania 19103</b>	
Citizenship <b>US</b>	
Post Office Address <b>Same as above</b>	

Full name of second Inventor, if any <b>Carl A. Morris</b>	Date
Second Inventor's signature	
Residence <b>25 Elm Avenue, Quincy, Massachusetts 02170</b>	
Citizenship <b>Australian</b>	
Post Office Address <b>Same as above</b>	

Page 4 of 4

Full name of third Inventor, if any <b>Ann R. Kennedy</b>	<i>April 2, 2008</i> Date
Third Inventor's signature <i>Ann R. Kennedy</i>	
Residence <b>1010 Indian Creek Lane, Wynnewood, Pennsylvania 19096</b>	
Citizenship <b>US</b>	
Post Office Address <b>Same as above</b>	

Full name of fourth Inventor, if any	
Fourth Inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth Inventor, if any	
Fifth Inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth Inventor, if any	
Sixth Inventor's signature	Date
Residence	
Citizenship	
Post Office Address	